

**REMARKS****Summary of the Office Action**

This Amendment responds to the Office Action mailed on May 11, 2009 ("Office Action"). Claims 1-15 as amended and new claims 16-18 are pending in this application. Accordingly, reconsideration of claims 1-15 and examination of new claims 16-18 is respectfully requested. No new matter has been added as the amendments are believed to be fully supported by the specification, claims and drawings as originally filed.

**Rejections to the Claims Under 35 U.S.C. § 102(b)**

Claims 1-3 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 2003-212425 to Sasaki ("Sasaki").

**Claim 1**

Sasaki discloses a sheet paper binding unit that binds punched sheets of paper by sequentially taping individual punch holes. Sasaki, however, fails to disclose or suggest "a binding mechanism section in which a division ring type binder is simultaneously attached to a plurality of punch holes of one set of sheets of paper stacked on the sheet table," as recited by claim 1.

Nor does Sasaki disclose or suggest first and second positioning mechanisms such that "the punch holes on the sheets of paper agree with a binding piece that simultaneously interlocks with the plurality of punch holes at a time of binder attaching processing," as recited by claim 1.

Accordingly, Sasaki fails to disclose each and every limitation of claim 1, and thus Sasaki cannot anticipate claim 1.

**Claims 2-3 and 11**

Claims 2-3 and 11 depend or ultimately depend from claim 1 and recite additional features of the binding processing apparatus of claim 1, and thus are believed patentable over Sasaki for the same reasons as claim 1 as well as the additional features they recite.

For instance, the rejection of claim 2 identified “paper receptacle 42d” as the first positioning mechanism recited by claim 2. Claim 2, however, recites that the “first positioning mechanism includes a sheet forward end position regulating plate capable of being retracted...and after one set of sheets of paper is positioned, the sheet forward end position regulating plate is retracted and the one set of sheets of paper are sent to the binding mechanism section.” Paper receptacle 42d, however, is fixed. Hence, Sasaki also fails to disclose or suggest a first positioning mechanism as recited by claim 2.

**Rejections to the Claims Under 35 U.S.C. § 103(a)**

**Claims 4-9**

Claims 4-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 4,537,545 to Kunzmann (“Kunzmann”). As acknowledged in the rejection Sasaki does not disclose “an upper side slide pin” as recited by claims 4-9. The rejection alleges that Kunzman remedies the deficiency of Sasaki and that it would have been obvious to modify the device of Sasaki with the teaching of Kunzmann “in order to provide a method and apparatus for aligning a pile of sheets, which operates simply and reliably and which can be easily adapted for various circumstances.” Applicants traverse.

Kunzman discloses a device for aligning a pile of paper sheets against a curved surface such that the desired curved shape of the perforation is obtained. Kunzman: Drawing 7; page 3, lines 21-25. By contrast Sasaki discloses a binding mechanism that positions a paper streamer in a hole in which the circumferences of the perforations in the paper sheets are aligned. Sasaki at ¶¶ 0011-0014. Thus, the respective teachings of Sasaki and Kunzman concerning the alignment of the perforations during binding are opposite.

Moreover, Kunzmann is directed toward an apparatus for binding sheets of paper with one binding element made from wire or plastic (e.g., spiral or comb-like bindings) which has curvature, whereas Sasaki is directed to a system that individually binds the paper at each hole with a paper streamer of custom length. Thus, the respective teachings of Sasaki and Kunzman concerning the type of binding element are opposite.

Because the binding devices Sasaki and Kunzmann operate on opposite principles and incompatible binding materials there is no motivation to combine these references.

Additionally, even if one were motivated to modify the device of Sasaki “with the upper and lower slide pins...as taught by Kunzmann,” the proposed modification would render the device of Sasaki inoperable because the binding unit would not be able to deliver the binding tape through each modified hole. *See e.g.*, Sasaki at ¶ 0014.

Accordingly, when considered as a whole, the rejections of claims 4-9 fail to establish a prima facie case of obviousness.

#### Claim 10

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 6,330,999 to Coombs et al. (“Coombs”).

As acknowledged in the rejection Sasaki does not disclose “a sheet table moving mechanism” or a “sheet table rotating mechanism” as recited by claim 10. The rejection alleges that Coombs remedies this deficiency of Sasaki. Applicants disagree.

Coombs discloses an inclined tray assembly T1 in which sets of sheets of paper may be received and positioned downwardly on the tray assembly for binding. Coombs at 3:13-16. Coombs further discloses that after an optional binding operation the tray assembly T1 may be opened horizontally allowing the bound or unbound set to be dropped downward to another station. *Id.* at 16-24.

Coombs, however, does not disclose or suggest a sheet table moving mechanism that advances “the sheet table to the binding mechanism section” or “retracts the sheet table from the binding mechanism section” as recited by claim 10. Nor does Coombs disclose or suggest “a sheet table rotating mechanism” that rotates “the sheet table from a position opposed to the binding mechanism section so as to discharge the sheets of paper” as recited by claim 10.

Hence, Coombs fails to remedy the deficiency of Sasaki, and thus when considered as a whole, the rejection of claim 10 fails to establish a prima facie case of obviousness.

Additionally, claim 10 depends from claim 1 and recites additional features of the binding processing apparatus of claim 1, and thus is believed patentable for the same reasons as claim 1 as well as the additional features discussed above.

#### Claims 12-13

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 5,762,328 to Yamada ("Yamada").

Claims 12-13 depend from or ultimately depend from claim 1 and recite additional features of the binding processing apparatus of claim 1, and thus are believed patentable for the same reasons as claim 1 as well as the additional features they recite.

#### Claims 14-15

Claims 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 3,269,720 to Schluckebier et al. ("Schluckebier").

Claim 14 was amended to correct a typographical error. Claims 14-15 depend from or ultimately depend from claim 1 and recite additional features of the binding processing apparatus of claim 1, and thus are believed patentable for the same reasons as claim 1 as well as the additional features they recite.

#### New Claims

##### Claim 16

New claim 16 recites the subject matter of original claim 2, rewritten in independent form. As described above, paper receptacle 42d of Sasaki is fixed, and thus new claim 16 is believed to be patentable for similar reasons as described with respect to claim 2.

##### Claims 17

New independent claim 17 is directed to a sheet binding apparatus that comprises a first configuration for binding first and second sheets of paper in which the sheet table frame is in the closed position, the clamp is in the lowered position, and the sheet forward end regulating plate is in the retracted position. The sheet binding apparatus of claim 17 further comprises a second configuration for discharging the first and second sheets in which the

sheet table frame is in the open position, and the clamp is in the raised configuration. Claim 17 is believed to be patentable for these and other features it recites.

Claim 18

New claim 18 depends from claim 17 and recites further aspects of the disclosed sheet binding apparatus of claim 18. Hence, claim 17 is believed patentable for the same reasons as claim 18 as well as the additional features it recites.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance, and thus request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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